"The City With a Heart"



Larry Franzella, Mayor Rico Medina, Vice Mayor Ken Ibarra, Councilmember Irene O'Connell, Councilmember Jim Ruane, Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

May 23, 2006

7:00 p.m.

THIS IS TO CERTIFY THAT: The San Bruno City Council met in regular session on May 23, 2006 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

1. ROLL CALL: Presiding was Mayor Franzella with Councilmembers, Medina, Ruane, Ibarra and O'Connell in attendance. Recorded by City Clerk Bonner.

Mayor Franzella thanked the San Bruno Garden Club for providing the beautiful floral arrangement.

PLEDGE OF ALLEGIANCE: Led by Cable Director Gyaltsen.

ANNOUNCEMENTS:

a. 66th Annual "Posy Parade" Sponsored by the San Bruno Lions Club will be held Sunday June 4, 2006. This year's theme is **San Bruno Honors Our Veterans.**

Councilmember Ibarra announced the Posy Parade's Grand Marshall will be **Chris Pallas** and the Junior Grand Marshall will be **Eliza Olson**. He also said the Posy Parade Princess will be six year old Amanda Aquilio. Anyone wishing to walk in the parade needs to be downtown San Bruno at Kains and San Mateo Ave. at 12:30 p.m. The parade starts at 1:00 p.m.

b. Rededication and Renaming of Veterans War Memorial Center, June 3, 2006 at 11:00 a.m.

Vice Mayor Medina invited all the residents of San Bruno to come out at 11:00 a.m. in front of the Recreation Center.

Mayor Franzella said the Culture & Arts Commission has a photo contest "Give us Your Best Shot" with prizes. Contact the City Clerk's Office or the Library, the deadline is July 1.

PRESENTATIONS:

Present Proclamation Recognizing and Expressing Appreciation to **Bob Greenberg** for his Dedicated Service to the San Bruno Community.

Mayor Franzella read the Proclamation of Public Recognition in its entirety recognizing Bob Greenberg who has given his time to San Bruno since 1970. Many residents from San Bruno came out to pay tribute.

Chris Pallas, Donner Dr., commended Bob Greenberg for his dedication to San Bruno and asked if one of the baseball diamonds could be named after him.

City Council Adjourned Regular Meeting – Minutes May 23, 2006 Page 2 of 10

- **2. REVIEW OF AGENDA:** The Consent Calendar Item 5g should have been 4g (not 4h).
- **3. APPROVAL OF MINUTES:** Regular City Council meeting of May 9, 2006 were approved as submitted.
- **4. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.
 - **a. Approve:** Payroll of May 5, 2006.
 - **b. Approve:** Accounts Payable of May 1, 2006.
- **c. Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated March 31, 2006, as Submitted by City Treasurer John Marty.
- **d. Adopt:** Resolution Temporarily Closing Certain Streets in Connection with the **66**th **Annual Posy Parade** on June 4, 2006 and Authorizing Use of City Park Ball Fields and Police Department Assistance with Traffic Control.
- **e.** Waive: Second Reading and Adopt Ordinance Approving a 3.22% Rate Increase Requested by **San Bruno Garbage Company** for 2006-07 to be effective on July 1, 2006.
- **f. Approve**: **Out of State Travel** for Cable TV Director and System Engineer to Attend the Society of Cable Telecommunication Engineers (SCTE) Cable-Tec Expo in Denver, Colorado from June 20-23, 2006.
- **g. Adopt**: Resolution Requesting the California Public Employees Retirement System (PERS) to Authorize the **Temporary Employment of Interim Police Chief** Lee G. Violett for a Period Not to Exceed 960 Hours in Fiscal Year 2006-07.

M/S Ibarra/Ruane to approve the consent calendar and passed with a unanimous vote.

5. PUBLIC HEARINGS:

a. Hold Public Hearing, Waive First Reading on Ordinance Amending Chapter 7.20 of the Municipal Code and Adopting **Speed Zone Changes**, and Approving Engineering and **Traffic Study**.

Interim Engineer Chris Coles gave an overview of the staff report to change the default speed limits enacted by law if they have a traffic study done by a registered traffic engineer. This study has been done and the study recommended some of our speed limits be changed.

Mayor Franzella asked if anyone wished to speak on this subject.

M/S Ibarra/Ruane to close the public hearing and passed by unanimous vote.

M/S Ibarra/Ruane waived the first reading and passed by a unanimous vote.

Councilmember Ibarra introduced the ordinance for adoption with a roll call vote of all ayes.

b. Hold Public Hearing for an Appeal of a Planning Commission Decision to Approve Use Permit 05-24 to Allow an Addition to a Property Located at **2550 Catalpa Way**, which proposes to increase the gross floor area by More Than 50%, Pursuant to Section 12.200.030.B.1 & 12.140.030 of the San Bruno Zoning Ordinance.

Community Development Director Heyden reviewed the staff report regarding 2550 Catalpa.

Senior Planner Aknin gave a power point overview of the proposed addition.

Councilmember Ruane asked how many care facilities are in the City?

City Council Adjourned Regular Meeting – Minutes May 23, 2006 Page 3 of 10

Senior Planner Aknin replied 37.

Councilmember Ruane asked the status of neighbor complaints.

Senior Planner Aknin said on the whole there have been no complaints about these facilities. There were two complaints on Eucalyptus that were property-related and they have been corrected.

Councilmember Ibarra asked if there were restrictions on how many of these facilities there can be?

Senior Planner Aknin said not for senior facilities.

Councilmember Ibarra asled how close is the Eucalyptus property to the nearest senior facility?

Senior Planner Aknin said there is another property on Catalpa in the 2500 block...

Gordon Atkinson, Architect for Ruby O'Brien, owner of the property on Catalpa. He said the property is in an improvement to the area. He asked for changes to the conditions to remove the windows from the room and closet area.

Mayor Franzella gave a description of how a public hearing is conducted and each person would be given up to four minutes to speak.

Amongst those speaking in opposition to the addition were **Denise Celona**, Catalpa Way, **Gary Hinoki**, Fleetwood Dr., **Susan Santiago**, Catalpa Way, **Stone Lantz**, Catalpa Way, **Ricardo Santiago**, Catalpa Way.

Mayor Franzella asked if anyone wished to speak on this subject.

M/S Ibarra/Ruane to close the public hearing and passed by unanimous vote.

Councilmember Ruane said to the City Attorney, "we have a residential area, we have a nice residential block and the block will now increase in its transformation to an elderly care facility?" How do we look at the future? What happens if this large house is vacated?

City Attorney Thompson said State law controls in this area. The State has removed authority of the local jurisdictions to regulate whether facilities of this nature enter residential zones. This project needs to be evaluated like any other residential application and should be looked at for the proposed expansion.

Councilmember Ruane said even though they want to expand their home and turn it into a moneymaking venture vs. a family-oriented structure.

City Attorney Thompson said it is completely irrelevant to your analysis. By law, you cannot consider its commercial purpose.

Councilmember Ruane asked Senior Planner Aknin if we were exceeding our parameters for approving a residential expansion.

Senior Planner Aknin said no, the only reason is that it has more than 50% square footage added.

Councilmember Ruane asked if he was to say take out two or three of these bedrooms, this is a dormitory

Senior Planner Aknin said in terms of floor area, not bedrooms, it would be a matter of it not being in scale with the neighborhood and you had to take off the bedrooms to meet the floor area requirement, not the bedroom. The number of bedrooms is not used as the criteria, the amount of floor area is the criteria.

City Council Adjourned Regular Meeting – Minutes May 23, 2006 Page 4 of 10

Mayor Franzella asked the City Attorney if they built this home, they get approval, they automatically can have six patients? What happens if there are ten patients? Who monitors, penalties?

City Attorney Thompson said they would be in violation of both State and Local law.

Mayor Franzella asked if the State does periodic checks.

City Attorney Thompson said yes.

Mayor Franzella referred back to a 1989 ordinance that restricted what could be done in neighborhoods because of overbuilding and large homes. The 50% square footage provision was put in place so the owner of the home had to go to before Council for approval. This was done to ensure homes are not being built that don't serve the community. The homeowner could have ten bedrooms and be a great facility; however, tomorrow the same homeowner could die, the house could go on the market and the City has no control over who buys it or what it is used for. We don't just want to approve things because they fit on the land; we want to look at the floor plan. Taking my Mayor hat off and replacing it with my realtor hat, this isn't a floor plan anyone would want to buy unless they are going to operate a hospital. If the City sold the property next store, who would want to look at a building with nothing but windows.

Councilmember Ibarra said the size didn't bother him; he said the fact it looked like a dormitory, a corridor, and it is not designed well for its patients.

Councilmember O'Connell asked for an outline of their options.

City Attorney Thompson said the issue is whether to approve the project.

Councilmember O'Connell asked what guidelines should be given?

City Attorney Thompson said the issue is the scale and magnitude of the structure based on the floor area ratio.

Mayor Franzella said he believed they could look beyond. He said this is not a structure that has a balance between living space and sleeping space; therefore, it is detrimental to the community.

Councilmember Ibarra asked where architecture entered in?

City Attorney Thompson said architecture is an important component of the consideration.

Vice Mayor Medina felt the structure was oversized for the neighborhood.

Mayor Franzella said the State of California passed the law because City and Town Councils were not approving these types of uses. The intent was to allow an operator to take a three or four bedroom home in a community and convert it into a care facility for six patients or less and not have a City Council have any say in it. He said he did not believe it was the intent to tie the City Council's hands on the design of the type of structure being built. He felt it was never the intent to have dormitories built in a residential neighborhood.

M/S Franzella/Medina made a motion the appeal be upheld and the Planning Commission action be denied.

Councilmember Ibarra asked what the applicant could do now.

Mayor Franzella said they could go to City Hall and pull an application and resubmit.

City Council Adjourned Regular Meeting – Minutes May 23, 2006 Page 5 of 10

There was a motion and second on the floor and passed by unanimous ayes.

c. Hold Public Hearing, Waive Second Reading and Adopt Ordinance Adding New Chapter 4.20 (Regulation of **Vehicle Vendors**) to Title 4 (Licenses and Regulations) And Adding New Section 3.04.280 (Vehicle Vendors) to Chapter 3.04 (Definitions) and New Section 3.16.125 (Vehicle Vendors) to Chapter 3.16 (**Schedule of Taxes**) to Title 3 (**Licenses and Regulations**) of the San Bruno Municipal Code.

City Attorney Thompson said this was brought back under Public Hearing to assure full public review and opportunity to comment on the Ordinance because there were one or two things not completely clear.

Mayor Franzella asked if anyone wished to speak on this subject.

M/S Medina/Ruane to close the public hearing and passed by unanimous vote.

M/S Ruane/O'Connell waived the second reading and passed by a unanimous vote.

Councilmember Ruane introduced the ordinance for adoption with a roll call vote of all ayes.

Councilmember Ibarra asked when the ordinance goes into effect?

City Attorney Thompson said thirty days from May 24, 2006.

- **6. UNFINISHED BUSINESS:** None.
- 7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT: None.
- **8. COMMUNICATIONS:**

Receive Request from San Bruno Lions Club for Financial Assistance for the 2006 Posy Parade.

Mayor Franzella said we received a request from the Lions Club to defray the costs of the Posy Parade; last year's contribution was \$2,000.

M/S O'Connell/Ruane to contribute \$2,000 this year and passed by a unanimous vote.

9. STAFF REPORTS:

a. Adopt Resolution to Adjust Cable Television Service Rates Effective July 1, 2006.

Cable Director Gyaltsen reviewed the staff report asking for a 7% increase in rates effective July 1, 2006.

Councilmember Ibarra said it was basically \$2.80 for the majority of subscribers. He felt people would get confused when we transition to digital.

Cable Director Gyaltsen said we are all in the same market area, carrying the same channels.

Councilmember Ibarra said if we don't offer what other companies offer, people will go elsewhere.

Mayor Franzella felt it was great we are moving forward to look at voice over internet protocol and new programs. He asked a detailed report be brought to the Council so the public can understand the direction we are headed.

Cable Director Gyaltsen said when they launch new services, they will prepare a report.

Mayor Franzella said he would like to see a report before implementation and spending authorities.

City Council Adjourned Regular Meeting – Minutes May 23, 2006 Page 6 of 10

Councilmember O'Connell said if you have San Bruno Cable, you could bring your laptop to Barnes & Nobles and access the internet for free. If you don't have San Bruno Cable, you can access it free from noon to 1:00 pm., or you can pay for it for \$3.95 an hour or \$9.95 per day.

Cable Director Gyaltsen said there are four hot spots in the mall.

Councilmember O'Connell appreciated having an outside expert tell us he had examined our system.

Councilmember O'Connell introduced the resolution for adoption, roll call vote of all ayes.

b. Adopt Resolution Accepting the Cost for Development Services Report Prepared by Revenue & Cost Specialists and Authorize the Revenue Ad Hoc Committee to Direct Implementation of the Report's in the 2006-07 **Master Fee Schedule Update** and the 2006-07 **City Budget.**

Finance Director O'Leary said the report given to the Council relates to a study and analysis of the fees charged by Development Services. He orally reviewed the staff report and asked for review by the Ad Hoc Committee to come back to Council with a recommendation.

Councilmember O'Connell asked who was on the ad hoc committee.

Mayor Franzella said he and Councilmember Ruane.

Councilmember O'Connell said our City was becoming known for our interest and actions regarding recycling and energy conservation. She said it had been brought to her attention our fee for installing solar panels was relatively high compared to other cities. She said if fees were adjusted it would be an incentive to install solar panels.

Councilmember O'Connell introduced the resolution for adoption, roll call vote of all ayes.

c. Adopt Resolution Authorizing **Traffic Calming Features and Pilot Study** for Cypress Avenue from Santa Lucia Avenue to Crystal Springs Avenue.

Interim Engineer Chris Coles reviewed the staff report and pointed out this has been under consideration for a long time.

Mayor Franzella concurred with the traffic on that block, but his concern was if they fixed that problem would the problem show up two-fold somewhere else. He said what are we measuring and what are we studying? He said we need to do something we can measure and quantify, 18 months is too long.

Councilmember Ibarra said there was some confusion between speed humps and one-way.

Chris Coles said traffic rerouting would be inevitable. In answer to an 18-month time frame, he said this was the agreed upon and recommended period of the Traffic, Safety & Parking Commission. But he agreed a shorter period would be just as useful.

Councilmember Ibarra how did staff come up with the recommendation based on survey results?

Chris Coles said the recommendation was not based completely on the survey results; staff used some of their own judgment.

Councilmember Ruane expressed his concerns on traffic diversion with speed humps and one-way streets.

City Council Adjourned Regular Meeting – Minutes May 23, 2006 Page 7 of 10

Councilmember Medina said he was concerned if 18 months were implemented. He was looking for a measurable way to determine how this could be fixed.

Mayor Franzella said what are we measuring, what are we trying to accomplish? Staff needs to come back to us with clear direction.

Councilmember Ibarra said he has seen an increasing number of cars on Cypress. He asked if Cypress was the narrowest street? He also asked if we were going to turn that one area into one-way speed bumps.

Mayor Franzella added maybe that is just what the area needs. But we have no way to measure it.

Councilmember Medina said he noticed cars parked on the sidewalk on Cypress. He said we need to send a clear message and criteria.

Mayor Franzella invited the public to come to the podium and give their name and street.

Anna Marie Jones, Cypress Ave., said measurable criteria would be fewer cars.

Ernie Aquilio, Cypress Ave., said they looked at Cypress compared to other streets. He expressed his concerns about the safety of his street.

Elaina, Acacia Ave., shared her concerns about Cypress being a one-way street and what would happen to Acacia. She said she believed they needed a neighborhood impact report.

Christina, Acacia Ave., said if Cypress became one-way, the traffic would be deferred to Acacia Ave.

Leslie Malay, Cypress Ave., said the traffic has increased and the cars travel fast. She said there are lots of children in the morning and in the afternoon and the blind spots are dangerous.

Michelle Millie, Acacia Ave., licensed day-care giver said the diversion of traffic from Cypress to Acacia would create a problem.

Charles Cormany, Cypress Ave., said if the thoroughfare were taken out of Cypress maybe people would use El Camino.

John O'Shaunessy, Cypress Ave. said the amount of cars and the speed they are traveling is measurable. He felt if something wasn't done soon, someone could be hurt.

Steve Davis, Cypress Ave., asked Council to consult with staff and look at the volume of traffic, accidents and the narrowness of Cypress. Traffic calming needs to be looked at on this street.

Sol Weiner, Parkview Dr., Traffic, Safety & Parking Committee, said something has to be done. There have been many meetings with the Committee and they circulated a petition and something has to be done.

Ron Tolentino, Cypress Ave., father of two young children, said if the City could do anything to prevent the life of a child being lost, that is the primary concern.

Christina, Acacia Ave., reiterated she did not believe a one-way street is the best solution.

Steve, Cypress Ave., said something has to be done.

Councilmember Ruane, said there has to be a more definitive measurement criteria, but there is no intention of this council not to do anything. He motioned an immediate installation of the speed bumps commence to get calming in that neighborhood.

City Council Adjourned Regular Meeting – Minutes May 23, 2006 Page 8 of 10

Mayor Franzella added the speed bumps be added by the first meeting in June. He asked staff to get back to Council with measurable outcome.

Councilmember Medina asked if they could get some of the data to the neighboring streets.

Mayor Franzella said there is no question something needs to be done.

Councilmember Ibarra said the one key point of the survey was the majority of the people said something has to be done. He wasn't sold on a one-way street.

Councilmember O'Connell asked if speed humps could be striped?

Mayor Franzella said there would be signs installed.

Councilmember O'Connell said she travels the street every morning and she has observed many problems. She asked if a police car could be there one morning a week on San Felipe and Cypress? She also asked if the sign showing the speed of cars be placed.

Mayor Franzella felt having the extra apparatus would not be beneficial on an already crowded street.

Councilmember O'Connell said it was done in 1999 and it was effective for a while.

Councilmember Ruane motioned to implement immediate installation of the speed humps and shortening of the time period recommended in the staff report as an initial speed calming measure with staff coming back to us with a recommendation for possibly more.

Councilmember Ibarra discussed how many speed humps should be put on the block.

Mayor Franzella said before one is installed, it must be determined how many are needed.

Councilmember Ibarra said there was conflicting information on the number of speed humps.

City Manager Jackson said the recommendation was for one per block.

Councilmember Ibarra said the questionnaire included two per block.

Councilmember Ruane modified his motion to recommend a minimum of two per block. Mayor Franzella seconded the motion.

City Manager Jackson summarized Council has asked staff to come back the first meeting in June to confirm the comparison of Cypress to other streets in the neighborhood (basic information, street width, etc.). To develop a clear recommendation for what will be studied, how it will be studied, and how the results of the study will be evaluated and what time period is appropriate for the study period. Staff will return with recommended guidelines for evaluation of other locations where traffic calming may be proposed. We would intend to do that on an initial basis and if Council recalls, the TSP recommendation for the permit parking program was approved with a clear standard for how additional applications for permit parking would be evaluated by the City Council, so we would propose to do the same for this program.

Councilmember Medina asked statistical data be provided as far as the neighboring streets.

City Manager Jackson said it would be part of the comparison study.

City Council Adjourned Regular Meeting – Minutes May 23, 2006 Page 9 of 10

Mayor Franzella said the motion on the floor was to immediately install two speed humps per block on the 100 and 200 block of Cypress for a test period of six months and then the City will bring back the criteria, passed with all ayes.

d. Adopt Resolution Rescinding Resolution 2006-25 and Accepting **Grant of Easement** from the Shelter **Creek Condominium Owners Association** for Public Storm Drainage Maintenance and Repair on Property Located at Shelter Creek Condominiums.

City Attorney Thompson said staff determined it would be in the best interest of the City to bring back a revised resolution containing clearer wording.

Councilmember Ruane introduced the resolution for adoption and passed with all ayes.

e. Authorize **Removal and Replacement of the Existing Willow Tree** Located Adjacent to the San Bruno Public Library.

Parks Service Manager Perazzo reviewed the staff report and emphasized the need to remove the six-year old willow tree in the front lawn area of the library.

Mayor Franzella asked if it was the intention to get permission to just remove the tree and he felt the City had a responsibility to replace the tree that would be removed. He asked staff to come back with a replacement tree, which would include the species and the size of the tree to be replanted.

Councilmember Medina said we need to look at the long-term when we plant the next tree and make sure it is the proper fit.

Parks Service Manager Perazzo said they do that now.

M/S Ruane/Medina authorized removal of tree and passed with all ayes.

10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Rose Urbach, Euclid Ave. said it was interesting to know there are other narrow streets like east of El Camino; however, they are not subject to street sweeping.

12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

a. Council Ad Hoc Fireworks Stands Committee (Ibarra/O'Connell) Recommends Council Grant 17 **Fireworks Stand Permits**. Approval is Based Upon Finding that the Non-profit Organizations Meet Requirements of Resolution 2005-25 and Ordinance No. 1700. All Stand Locations are Subject to the Approval of the Fire Chief.

Councilmember O'Connell said all applicants passed the requirements. She commented on the membership of people who benefit from the sales of the fireworks. She said next year Council would be looking for an itemized list of where the earned money goes from the fireworks.

Councilmember Ibarra announced it was important there is an upcoming mandatory safety meeting sponsored and performed by the Fire Department. A booth-by-booth report after the 4th would be beneficial.

M/S Ruane/Medina to accept the recommendation and passed by all ayes.

City Council Adjourned Regular Meeting – Minutes May 23, 2006 Page 10 of 10

13. NEW BUSINESS:

Councilmember O'Connell said the Friends of the Library held their annual book sale and raised \$1,334.

Mayor Franzella recessed the City Council meeting at 9:25 p.m. and called to order the Redevelopment Agency Meeting.

Mayor Franzella reconvened the City Council meeting at 9:39 p.m. and announced the City Council would be going into closed session.

Closed Session:

- 1. The Human Resources Director as the City's Negotiator Requests a Closed Session Pursuant to Cal. Gov't Code Section 54957.6 Regarding Direction for **Labor Negotiations** for Police, Fire and Public Safety Mid-Management Bargaining Units.
- 2. The City Manager as the City's Negotiator Requests a Closed Session Pursuant to Cal. Gov't Code Section 54957.6 **Regarding Benefits** for All City Bargaining Units.

14. ADJOURNMENT:

With no further business to transact, at 11:00 p.m., the City Council adjourned to the regular City Council meeting to be held on Tuesday, June 13, 2006, 7:00 p.m., at the Senior Center 1555 Crystal Springs Road.

Respectfully submitted for approval At the regular City Council Meeting of June 13, 2006

Carol Bonner, City Clerk

Larry Franzella, Mayor